



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dionne et al.

Serial No.: 10/814,801

Filed: March 31, 2004

For: OSMOTIC PUMP WITH MEANS
FOR DISSIPATING INTERNAL
PRESSURE

Confirmation No.: 4974

Examiner: Unknown

Group Art Unit: 3763

Attorney Docket No.: 3139-6349.1US
(ALZ5018/2697)

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994823586US

Date of Deposit with USPS: March 7, 2005

Person making Deposit: Steve Wong

**SUPPLEMENTAL DECLARATION OF DEBRA L. MITCHELL REGARDING
EFFORTS TO REACH INVENTOR ROBERT MOSBAUER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I am a paralegal with the law firm of TraskBritt, P.C., located at 230 South 500 East, Suite 300, Salt Lake City, Utah 84102 and work under the supervision of Edgar R. Cataxinos, Reg. No. 39,931, Applicants' attorney in the above-referenced patent application.

Upon receipt of a Notice File Missing Parts of NonProvisional Application dated June 14, 2004, I prepared and sent Declarations for Patent Application (with Power of Attorney) on June 24, 2004 to each inventor individually at addresses provided by ALZA Corporation, as each inventor was no longer in the employee of the company (See Exhibit A). Correspondence was

sent via Federal Express with preaddressed, postage prepaid return envelopes provided. In due course, I received executed documents from inventors, Keith E. Dionne, Craig R. Davis and John R. Peery.

When documents were not received by Mr. Mosbauer, I attempted to contact him regarding the status of returning the executed Declaration. Using a home telephone number provided by an ALZA Corporation representative and confirmed by an internet locator service, I called Mr. Mosbauer on September 8, 2004. Contact was again made to the inventor on September 22, 2004, by Cyndi S. King by sending documents to his last-known e-mail address (See Exhibit B).

On October 13, 2004, I left a message on his answering machine, re-sent the documents electronically to his e-mail address and also sent another copy of the Declaration to Mr. Mosbauer with a preaddressed, postage prepaid envelope in which to return the executed document, again by Federal Express, with delivery confirmation for the package. I received a confirmation e-mail that the Federal Express package was delivered on October 14, 2004 at 1:21 PM (See Exhibit C).

Again, on November 9, 2004, I telephoned the inventor without receiving an answer, sent a third electronic copy to Mr. Mosbauer's e-mail address and sent a third copy of the Declaration with a preaddressed, postage prepaid envelope, again by Federal Express, with delivery confirmation for the package. I received a confirmation e-mail that the Federal Express package was delivered on November 10, 2004 at 1:37 PM (See Exhibit D).

On December 9, 2004, I called the inventor again with no answer, and sent an e-mail reminder of the final deadline with an attached copy of the Declaration (See Exhibit E).

Upon receipt of the Decision Refusing Status under 37 CFR 1.47(a), I received instruction from attorney Edgar R. Cataxinos to resend the Declaration to Mr. Mosbauer, including a copy of the as-filed application with claims and as-filed drawings. On March 1, 2005, I sent the as-filed application with claims, drawings, declaration and assignment electronically to his e-mail address and also sent an additional copy of the as-filed application with claims, drawings, declaration and assignment to Mr. Mosbauer with a preaddressed, postage prepaid envelope in which to return the executed document, by Federal Express, with delivery confirmation for the package. I received a confirmation e-mail that the Federal Express package

Serial No. 10/814,801

was delivered and signed for on March 2, 2005 at 12:45 PM (See Exhibit F). On March 2, 2005, I also called the inventor at his last known residence phone number and did not receive an answer.

I have not received the executed Declaration from Mr. Mosbauer, either by Federal Express, electronically, or otherwise.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 7, 2005
Date

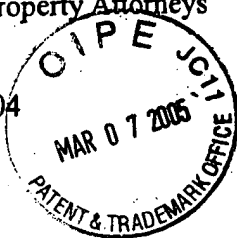
Debra L. Mitchell
Debra L. Mitchell

Document in ProLaw

TRASKBRIIT

Intellectual Property Attorneys

June 24, 2004



DEBRA L. MITCHELL

DIRECT DIAL: (801) 994-8734

DIRECT E-MAIL: dlmitchell@traskbritt.com

Robert Mosbauer
79 Cliffside
Daly City, CA 94015

VIA FEDERAL EXPRESS

Re: U.S. PATENT APPLICATION
Invention OSMOTIC PUMP WITH MEANS FOR DISSIPATING
INTERNAL PRESSURE
Inventor Dionne et al.
Assignee ALZA Corporation
Application No. 10/814,801
Filing Date March 31, 2004
Your Ref No. ALZ5018/2697
Our Case No. 3139-6349.1US

Dear Mr. Mosbauer:

Enclosed for your signature is the Declaration for Patent Application (With Power of Attorney) and Assignments to **ALZA Corporation**, for filing not only in the United States Patent and Trademark Office, but also in Taiwan, Venezuela and Chile.

Please sign and date Declaration and Assignments (before a Notary Public if indicated on the bottom of the Assignment) at your earliest convenience. Please return these executed documents to us by **June 28, 2004** for filing with the appropriate patent offices. Enclosed for your convenience is a pre-paid, return address FedEx envelope. We appreciate your assistance and immediate attention to this matter.

Very truly yours,

Debra L. Mitchell
Paralegal

ERC/dlm

Enclosures: as noted above

Document in ProLaw

Exhibit A

230 South 500 East, Suite 300 Salt Lake City, Utah 84102 P.O. Box 2550 Salt Lake City, Utah 84110 Tel: 1.801.532.1922 1.800.900.2001 Fax: 1.801.531.9168



Debra Mitchell

From: Cyndi King
Sent: Wednesday, October 13, 2004 1:50 PM
To: Debra Mitchell
Subject: FW: URGENT
Importance: High

Here's the last thing I sent to him.

Cyndi Skordas King
Telephone: (801) 994-8746
e-mail: CSKing@traskbritt.com

-----Original Message-----

From: Cyndi King
Sent: Wednesday, September 22, 2004 5:58 PM
To: 'r.mosbauer@excite.com'
Subject: URGENT
Importance: High

Dear Ms. Mosbauer,

Thank you for speaking with me this afternoon. As indicated in our conversation, we represent ALZA Corporation in the prosecution of their patent application for the invention entitled "OSMOTIC PUMP WITH MEANS FOR DISSIPATING INTERNAL PRESSURE," previously filed and pending in the United States and with the PCT.

ALZA has also filed this application in Chile, Taiwan and Venezuela, along with a utility conversion application in the United States. As one of the inventors on this application, we are now required to file an Assignment and Declaration from you with each of these countries.

Attached above are the Assignments for Chile, Taiwan, Venezuela and the U.S., along with a Declaration to be filed in the U.S.

PLEASE NOTE: the Assignments for Chile, Venezuela and the U.S. must be signed before a Notary Public.

At your earliest convenience, would you please sign and date the documents, have them notarized as indicated above, and return all of the original documents directly to me. My name and address are indicated below. If you have any questions or if you are unable to open or access any of these documents, please contact me immediately. Thank you for your help.

Sincerely,
Cyndi Skordas King
Paralegal
TRASKBRITT
230 South 500 East, Suite 300
P. O. Box 2550
Salt Lake City, UT 84110-2550
Telephone: (801) 994-8746
Fax: (801) 531-9168

Exhibit B

10/13/2004

e-mail: CSKing@traskbritt.com

CONFIDENTIALITY NOTICE

This message, together with any attachments, may be legally privileged and is confidential information intended only for the use of the individual or entity to which it is addressed. It is exempt from disclosure under applicable law including court orders. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this message, or any attachment thereto, is strictly prohibited. If you have received this message in error, please notify the original sender and delete this message, along with any attachments, from your computer.

TRASKBRITT

Intellectual Property Attorneys

(650) 755-6458

October 13, 2004

DEBRA L. MITCHELL

DIRECT DIAL: (801) 994-8734

DIRECT E-MAIL: dlmitchell@traskbritt.com

Robert Mosbauer
79 Cliffside
Daly City, CA 94015

VIA FEDERAL EXPRESS

Re: U.S. PATENT APPLICATION
Invention OSMOTIC PUMP WITH MEANS FOR DISSIPATING
INTERNAL PRESSURE
Inventor Dionne et al.
Assignee ALZA Corporation
Application No. 10/814,801
Filing Date March 31, 2004
Your Ref No. ALZ5018/2697
Our Case No. 3139-6349.1US

Dear Mr. Mosbauer:

Enclosed for your signature is the Declaration for Patent Application (With Power of Attorney) and Assignment to ALZA Corporation, for filing in the United States Patent and Trademark Office.

Please sign and date Declaration and Assignment before a Notary Public at your earliest convenience. Please return these executed documents to us by October 22, 2004 for filing with the appropriate patent offices. Enclosed for your convenience is a pre-paid, return address FedEx envelope. We appreciate your assistance and immediate attention to this matter.

Very truly yours,



Debra L. Mitchell
Paralegal

ERC/dlm
Enclosures: as noted above

Document in ProLaw

230 South 500 East, Suite 300 Salt Lake City, Utah 84102 P.O. Box 2550 Salt Lake City, Utah 84110 Tel: 1.801.531.9168 Fax: 1.801.531.9168



Exhibit C

Debra Mitchell

From: FedEx [donotreply@fedex.com]
Sent: Thursday, October 14, 2004 2:24 PM
To: Debra Mitchell
Subject: FedEx shipment 791361272649

Our records indicate that the shipment sent from TRASK BRITT/TraskBritt, P.C to Robert Mosbauer has been delivered.
The package was delivered on 10/14/2004 at 1:21 PM and signed for or released by 3785346.

The ship date of the shipment was 10/13/2004.

The tracking number of this shipment was 791361272649.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=791361272649&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.

Debra Mitchell

From: Debra Mitchell
Sent: Wednesday, October 13, 2004 2:04 PM
To: Robert Mosbauer (r.mosbauer@excite.com)
Subject: ALZA 5018/2697 (6349.1US)

Dear Mr. Mosbauer,

Attached for your signature are the Declaration and Assignment for the above-referenced ALZA application. Unfortunately we have an approaching deadline to file these items with the United States Patent and Trademark Office, and I apologize for any inconvenience to you in handling these documents. If there is anything whatsoever we can do to assist you, please let us know.



Declaration.doc (49 KB)



Assignment.doc
(123 KB)

Thank you,

Debra L. Mitchell
Paralegal
TraskBritt, P.C.
230 South 500 East, Suite 300
Salt Lake City, Utah 84102
Phone: (801) 532-1922
Facsimile: (801) 531-9168

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TRASKBRIPT

Intellectual Property Attorneys

(650) 755-6400

November 9, 2004

DEBRA L. MITCHELL

DIRECT DIAL: (801) 994-8734

DIRECT E-MAIL: dlmitchell@traskbritt.com

Robert Mosbauer
79 Cliffside
Daly City, CA 94015

VIA FEDERAL EXPRESS

Re: U.S. PATENT APPLICATION
Invention OSMOTIC PUMP WITH MEANS FOR DISSIPATING
INTERNAL PRESSURE
Inventor Dionne et al.
Assignee ALZA Corporation
Application No. 10/814,801
Filing Date March 31, 2004
Your Ref No. ALZ5018/2697
Our Case No. 3139-6349.1US

Dear Mr. Mosbauer:

Enclosed for your signature is the Declaration for Patent Application (With Power of Attorney) and Assignment to **ALZA Corporation**, for filing in the United States Patent and Trademark Office.

Please sign and date Declaration and Assignment before a Notary Public at your earliest convenience. Please return these executed documents to us by **NOVEMBER 14, 2004** for filing with the patent office. Enclosed for your convenience is a pre-paid, return address FedEx envelope. We appreciate your assistance and immediate attention to this matter.

Very truly yours,



Debra L. Mitchell
Paralegal

ERC/dlm
Enclosures: as noted above

Document in ProLaw

Exhibit D

230 South 500 East, Suite 300 Salt Lake City, Utah 84102 P.O. Box 2550 Salt Lake City, Utah 84110 Tel: 1.801.532.1922 1.800.900.2001 Fax: 1.801.531.9168



Debra Mitchell

From: FedEx [donotreply@fedex.com]
Sent: Wednesday, November 10, 2004 2:41 PM
To: Debra Mitchell
Subject: FedEx shipment 790333291946

Our records indicate that the shipment sent from TRASK BRITT/TraskBritt, P.C to Robert Mosbauer has been delivered.
The package was delivered on 11/10/2004 at 1:37 PM and signed for or released by 3785346.

The ship date of the shipment was 11/09/2004.

The tracking number of this shipment was 790333291946.

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To track the status of this shipment online please use the following:
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=790333291946](http://www.fedex.com/cgi-bin/tracking?tracknumbers=790333291946&action=track&language=english&cntry_code=us)
&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.

Debra Mitchell

From: Debra Mitchell
Sent: Tuesday, November 09, 2004 3:34 PM
To: Robert Mosbauer (r.mosbauer@excite.com)
Cc: Edgar Cataxinos; Jolanta Pence (jpence@corus.jnj.com)
Subject: FW: ALZA 5018/2697 (6349.1US)

Mr. Mosbauer,

Just a reminder that we have an upcoming deadline of **November 14, 2004** to file the signature documents in the above-referenced patent application for ALZA. Attached are the documents which can be printed and executed. If we can do anything further from here to assist you, please do not hesitate to contact us.

Thank you for your time and consideration,
~Debra

-----Original Message-----

From: Debra Mitchell
Sent: Wednesday, October 13, 2004 2:04 PM
To: Robert Mosbauer (r.mosbauer@excite.com)
Subject: ALZA 5018/2697 (6349.1US)

Dear Mr. Mosbauer,

Attached for your signature are the Declaration and Assignment for the above-referenced ALZA application. Unfortunately we have an approaching deadline to file these items with the United States Patent and Trademark Office, and I apologize for any inconvenience to you in handling these documents. If there is anything whatsoever we can do to assist you, please let us know.



Declaration.doc (49 KB)



Assignment.doc
(123 KB)

Thank you,

Debra L. Mitchell
Paralegal
TraskBritt, P.C.
230 South 500 East, Suite 300
Salt Lake City, Utah 84102
Phone: (801) 532-1922
Facsimile: (801) 531-9168

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Debra Mitchell

From: Debra Mitchell
Sent: Thursday, December 09, 2004 8:54 AM
To: Robert Mosbauer (r.mosbauer@excite.com)
Cc: Edgar Cataxinos; 'Jolanta Pence'
Subject: FW: ALZA 5018/2697 (6349.1US) URGENT REQUEST

Mr. Mosbauer,

We note the upcoming deadline of **December 14, 2004** as the final deadline to respond to the United States Patent and Trademark Office in filing the signature documents for the above-referenced application. We would appreciate your assistance in signing and returning the attached Declaration and Assignment prior to that deadline. If you have any questions or need anything further, please let us know.

Thank you,

Debra L. Mitchell
Paralegal
TraskBritt, P.C.
230 South 500 East, Suite 300
Salt Lake City, Utah 84102
Phone: (801) 532-1922
Facsimile: (801) 531-9168

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-----Original Message-----

From: Debra Mitchell
Sent: Tuesday, November 09, 2004 3:34 PM
To: Robert Mosbauer (r.mosbauer@excite.com)
Cc: Edgar Cataxinos; Jolanta Pence (jpence@corus.inj.com)
Subject: FW: ALZA 5018/2697 (6349.1US)

Mr. Mosbauer,

Just a reminder that we have an upcoming deadline of **November 14, 2004** to file the signature documents in the above-referenced patent application for ALZA. Attached are the documents which can be printed and executed. If we can do anything further from here to assist you, please do not hesitate to contact us.

Thank you for your time and consideration,
~Debra

-----Original Message-----

From: Debra Mitchell
Sent: Wednesday, October 13, 2004 2:04 PM
To: Robert Mosbauer (r.mosbauer@excite.com)
Subject: ALZA 5018/2697 (6349.1US)

Dear Mr. Mosbauer,

Attached for your signature are the Declaration and Assignment for the above-referenced ALZA application. Unfortunately we have an approaching deadline to file these items with the United States Patent and Trademark Office, and I apologize for any inconvenience to you in handling these documents. If there is anything whatsoever we can do to assist you, please let us know.

Exhibit E



Declaration.doc (49 KB)



Assignment.doc
(123 KB)

Thank you,

Debra L. Mitchell
Paralegal
TraskBritt, P.C.
230 South 500 East, Suite 300
Salt Lake City, Utah 84102
Phone: (801) 532-1922
Facsimile: (801) 531-9168

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Debra Mitchell

From: Debra Mitchell
Sent: Tuesday, March 01, 2005 2:50 PM
To: Robert Mosbauer (r.mosbauer@excite.com)
Cc: Edgar Cataxinos; Lisa McDill (lmcidill@corus.jnj.com)
Subject: **URGENT REQUEST** ALZA 5018/2697 (6349.1US)

Mr. Mosbauer,

We are required to submit an executed declaration to the United States Patent and Trademark Office for the above-referenced ALZA patent application. Enclosed for your signature are the Declaration for Patent Application (With Power of Attorney) and the Assignment to ALZA Corporation, in regard to the above-referenced application. Also enclosed for your review are copies of the as-filed formal drawings and patent application entitled "Osmotic Pump with Means for Dissipating Internal Pressure" which was filed on March 31, 2004.

Please sign and date the Declaration, and sign and date the Assignment before a Notary Public. Please return these executed documents to me by **March 7, 2005** for filing with the U.S. Patent Office. If we can do anything further to assist you from here, please let us know. Thank you for your assistance.



Declaration.doc (49 KB)



Assignment.doc (123 KB)



pat.app.doc (89 KB)



6349.1-01.pdf (76 KB)

Thank you,

Debra L. Mitchell
Paralegal
TraskBritt, P.C.
230 South 500 East, Suite 300
Salt Lake City, Utah 84102
Phone: (801) 532-1922
Facsimile: (801) 531-9168

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Exhibit F

TRASKBRITT

Intellectual Property Attorneys

March 1, 2005

DEBRA L. MITCHELL

DIRECT DIAL: (801) 994-8734

DIRECT E-MAIL: dlmitchell@traskbritt.com

Robert Mosbauer
79 Cliffside
Daly City, CA 94015

VIA FEDERAL EXPRESS

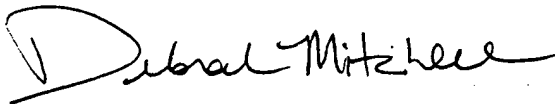
Re: U.S. PATENT APPLICATION
Invention OSMOTIC PUMP WITH MEANS FOR DISSIPATING
INTERNAL PRESSURE
Inventor Dionne et al.
Assignee ALZA Corporation
Application No. 10/814,801
Filing Date March 31, 2004
Your Ref No. ALZ5018/2697
Our Case No. 3139-6349.1US

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Please sign and date the Declaration, and sign and date the Assignment before a Notary Public. Please return these executed documents to me by March 7, 2005 for filing with the U.S. Patent Office. Enclosed for your convenience is a pre-paid return address FedEx envelope. If we can do anything further to assist you from here, please let us know. Thank you for your assistance.

Very truly yours,



Debra L. Mitchell
Paralegal

ERC/dlm

Enclosures: Declaration (With Power of Attorney) (3 pages)
Assignment (3 pages)
Copy of as-filed Patent Application (21 pages)
Copy of as-filed Formal Drawings (1 sheet)

Document in ProLaw

230 South 500 East, Suite 300 Salt Lake City, Utah 84102 P.O. Box 2550 Salt Lake City, Utah 84110 Tel: 1.801.532.1922 1.800.900.2001 Fax: 1.801.531.9168



From: Origin ID: (801)532-1922
TRASK BRITT
TraskBritt, P.C
230 S 500 E STE 300

SALT LAKE CITY, UT 84102



CLS0914040508

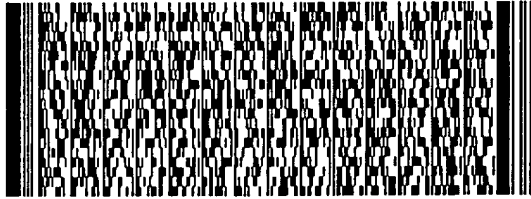
SHIP TO: (650)755-6458

BILL SENDER

Robert Mosbauer

79 Cliffside

Daly City, CA 94015



Ship Date: 01MAR05
Actual Wgt: 1 LB
System#: 4072716/INET2000
Account#: S *****

REF: 3139-6349.1US ERC/dlm



Delivery Address Bar Code

STANDARD OVERNIGHT

WED

TRK# **7928 5947 3835**

FORM
0201

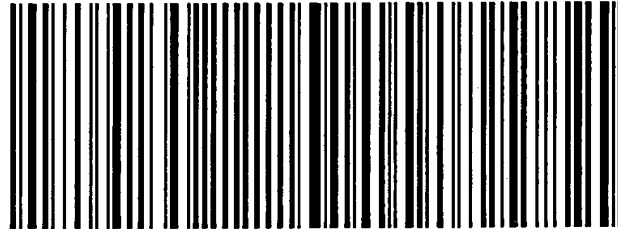
Deliver By:
02MAR05

SFO A1

94015 -CA-US

RES

WA SQLA



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

Debra Mitchell

From: FedEx [donotreply@fedex.com]
Sent: Wednesday, March 02, 2005 1:48 PM
To: Debra Mitchell
Subject: FedEx shipment 792859473835

Our records indicate that the shipment sent from TRASK BRITT/TraskBritt, P.C to Robert Mosbauer has been delivered.
The package was delivered on 03/02/2005 at 12:45 PM and signed for or released by 3139.

The ship date of the shipment was 03/01/2005.

The tracking number of this shipment was 792859473835.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=792859473835
&action=track&language=english&cntry_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=792859473835&action=track&language=english&cntry_code=us)

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